

PRESERVATION AND PROTECTION OF THE HANFORD
REACH OF THE COLUMBIA RIVER

JULY 29, 1996.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 2292]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2292) to preserve and protect the Hanford Reach of the Columbia River, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**TITLE I—HANFORD REACH PRESERVATION
ACT**

SEC. 101. AMENDMENT OF PUBLIC LAW 100-605.

Section 2 of Public Law 100-605 is amended as follows:

- (1) By striking “**INTERIM**” in the section heading.
- (2) By striking “For a period of eight years after” and inserting “After” in subsection (a).
- (3) By striking in subsection (b) “During the eight year interim protection period, provided by this section, all” and inserting “All”.

**TITLE II—LAMPREY WILD AND SCENIC RIVER
ACT**

SEC. 201. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end thereof:

“(157) LAMPREY RIVER, NEW HAMPSHIRE.—The 11.5-mile segment extending from the southern Lee town line to the confluence with the Piscassic River in the vicinity of the Durham-Newmarket town line (hereinafter in this paragraph referred to as the ‘segment’) as a recreational river. The segment shall be administered by the Secretary of the Interior through cooperative agreements between the Secretary and the State of New Hampshire and its relevant political subdivisions, namely the towns of Durham, Lee, and Newmarket, pursuant to section 10(e) of this Act. The segment shall be managed in accordance with the Lamprey River Management Plan dated January 10, 1995, and such amendments thereto as the Secretary of the Interior determines are consistent with this Act. Such plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of this Act.”.

SEC. 202. MANAGEMENT.

(a) COMMITTEE.—The Secretary of the Interior shall coordinate his management responsibilities under this Act with respect to the segment designated by section 3 with the Lamprey River Advisory Committee established pursuant to New Hampshire RSA 483.

(b) LAND MANAGEMENT.—The zoning ordinances duly adopted by the towns of Durham, Lee, and Newmarket, New Hampshire, including provisions for conservation of shorelands, floodplains, and wetlands associated with the segment, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act, and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segment designated by section 201 of this Act. The authority of the Secretary to acquire lands for the purposes of this paragraph shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Lamprey River Management Plan.

SEC. 203. UPSTREAM SEGMENT.

Upon request by the town of Epping, which abuts an additional 12 miles of river found eligible for designation as a recreational river, the Secretary of the Interior shall offer assistance regarding continued involvement of the town of Epping in the implementation of the Lamprey River Management Plan and in consideration of potential future addition of that portion of the river within Epping as a component of the Wild and Scenic Rivers System.

TITLE III—WEST VIRGINIA NATIONAL RIVERS AMENDMENTS OF 1996

SEC. 301. AMENDMENTS PERTAINING TO THE NEW RIVER GORGE NATIONAL RIVER.

(a) BOUNDARIES.—Section 1101 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15) is amended by striking out “NERI–80,023, dated January 1987” and inserting “NERI–80,028A, dated March 1996”.

(b) FISH AND WILDLIFE MANAGEMENT.—Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–20) is amended by adding the following at the end thereof: “The Secretary shall permit the State of West Virginia to undertake fish stocking activities carried out by the State, in consultation with the Secretary, on waters within the boundaries of the national river. Nothing in this Act shall be construed as affecting the jurisdiction of the State of West Virginia with respect to fish and wildlife.”.

(c) CONFORMING AMENDMENTS.—Title XI of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–15 and following) is amended by adding the following new section at the end thereof:

“SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.

“(a) COOPERATIVE AGREEMENTS.—The provisions of section 202(e)(1) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–1(e)(1)) shall apply to the New River Gorge National River in the same manner and to the same extent as such provisions apply to the Gauley River National Recreation Area.

“(b) REMNANT LANDS.—The provisions of the second sentence of section 203(a) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–2(a)) shall apply to tracts of land partially within the boundaries of the New River Gorge National River in the same manner and to the same extent as such provisions apply to tracts of land only partially within the Gauley River National Recreation Area.”.

SEC. 302. AMENDMENTS PERTAINING TO THE GAULEY RIVER NATIONAL RECREATION AREA.

(a) **TECHNICAL AMENDMENT.**—Section 205(c) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww-4(c)) is amended by adding the following at the end thereof: “If project construction is not commenced within the time required in such license, or if such license is surrendered at any time, such boundary modification shall cease to have any force and effect.”.

(b) **GAULEY ACCESS.**—Section 202(e) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww-1(e)) is amended by adding the following new paragraph at the end thereof:

“(4) **ACCESS TO RIVER.**—(A) In order to facilitate public safety, use, and enjoyment of the recreation area, and to protect, to the maximum extent feasible, the scenic and natural resources of the area, the Secretary is authorized and directed to acquire such lands or interests in lands and to take such actions as are necessary to provide access by noncommercial entities on the north side of the Gauley River at the area known as Woods Ferry utilizing existing roads and rights-of-way. Such actions by the Secretary shall include the construction of parking and related facilities in the vicinity of Woods Ferry for noncommercial use on lands acquired pursuant to paragraph (3) or on lands acquired with the consent of the owner thereof within the boundaries of the recreation area.

“(B) If necessary, in the discretion of the Secretary, in order to minimize environmental impacts, including visual impacts, within portions of the recreation area immediately adjacent to the river, the Secretary may, by contract or otherwise, provide transportation services for noncommercial visitors, at reasonable cost, between such parking facilities and the river.

“(C) Nothing in subparagraph (A) shall affect the rights of any person to continue to utilize, pursuant to a lease in effect on April 1, 1993, any right of way acquired pursuant to such lease which authorizes such person to use an existing road referred to in subparagraph (A). Except as provided under paragraph (2) relating to access immediately downstream of the Summersville project, until there is compliance with this paragraph the Secretary is prohibited from acquiring or developing any other river access points within the recreation area.”.

SEC. 303. AMENDMENTS PERTAINING TO THE BLUESTONE NATIONAL SCENIC RIVER.

(a) **BOUNDARIES.**—Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by striking out “WSR-BLU/20,000, and dated January 1987” and inserting “BLUE-80,005, dated May 1996”.

(b) **PUBLIC ACCESS.**—Section 3(a)(65) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(65)) is amended by adding the following at the end thereof: “In order to provide reasonable public access and vehicle parking for public use and enjoyment of the river designated by this paragraph, consistent with the preservation and enhancement of the natural and scenic values of such river, the Secretary may, with the consent of the owner thereof, negotiate a memorandum of understanding or cooperative agreement, or acquire not more than 10 acres of lands or interests in such lands, or both, as may be necessary to allow public access to the Bluestone River and to provide, outside the boundary of the scenic river, parking and related facilities in the vicinity of the area known as Eads Mill.”.

TITLE IV—LIMITATION ON LAND ACQUISITION: MISSOURI RIVER, NEBRASKA AND SOUTH DAKOTA

The undesignated paragraph in section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) relating to the 39-mile segment of the Missouri River, Nebraska and South Dakota, from the headwaters of Lewis and Clark Lake to Ft. Randall Dam is amended by adding at the end the following: “Notwithstanding section 6(a), lands and interests in lands may not be acquired for the purposes of this paragraph without the consent of the owner thereof.”.

TITLE V—TECHNICAL AMENDMENT TO THE WILD AND SCENIC RIVERS ACT

SEC. 501. NUMBERING OF PARAGRAPHS.

(a) DESIGNATIONS.—The unnumbered paragraphs in section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), relating to each of the following river segments, are each amended by numbering such paragraphs as follows:

River:	Paragraph Number
East Fork of Jemez, New Mexico	(109)
Pecos River, New Mexico	(110)
Smith River, California	(111)
Middle Fork Smith River, California	(112)
North Fork Smith River, California	(113)
Siskiyou Fork Smith River, California	(114)
South Fork Smith River, California	(115)
Clarks Fork, Wyoming	(116)
Niobrara, Nebraska	(117)
Missouri River, Nebraska and South Dakota	(118)
Bear Creek, Michigan	(119)
Black, Michigan	(120)
Carp, Michigan	(121)
Indian, Michigan	(122)
Manistee, Michigan	(123)
Ontonagon, Michigan	(124)
Paint, Michigan	(125)
Pine, Michigan	(126)
Presque Isle, Michigan	(127)
Sturgeon, Hiawatha National Forest, Michigan	(128)
Sturgeon, Ottawa National Forest, Michigan	(129)
East Branch of the Tahquamenon, Michigan	(130)
Whitefish, Michigan	(131)
Yellow Dog, Michigan	(132)
Allegheny, Pennsylvania	(133)
Big Piney Creek, Arkansas	(134)
Buffalo River, Arkansas	(135)
Cossatot River, Arkansas	(136)
Hurricane Creek, Arkansas	(137)
Little Missouri River, Arkansas	(138)
Mulberry River, Arkansas	(139)
North Sylamore Creek, Arkansas	(140)
Richland Creek, Arkansas	(141)
Sespe Creek, California	(142)
Sisquoc River, California	(143)
Big Sur River, California	(144)
Great Egg Harbor River, New Jersey	(145)
The Maurice River, Middle Segment	(146)
The Maurice River, Middle Segment	(147)
The Maurice River, Upper Segment	(148)
The Menantico Creek, Lower Segment	(149)
The Menantico Creek, Upper Segment	(150)
Manumuskine River, Lower Segment	(151)
Manumuskine River, Upper Segment	(152)
Muskee Creek, New Jersey	(153)
Red River, Kentucky	(154)
Rio Grande, New Mexico	(155)
Farmington River, Connecticut	(156)

(b) STUDY RIVERS.—Section 5(a) of such Act is amended as follows:

(1) Paragraph (106), relating to St. Mary's, Florida, is renumbered as paragraph (108).

(2) Paragraph (112), relating to White Clay Creek, Delaware and Pennsylvania, is renumbered as paragraph (113).

(3) The unnumbered paragraphs, relating to each of the following rivers, are amended by numbering such paragraphs as follows:

River:	Paragraph Number
Mills River, North Carolina	(109)
Sudbury, Assabet, and Concord, Massachusetts	(110)
Niobrara, Nebraska	(111)
Lamprey, New Hampshire	(112)
Brule, Michigan and Wisconsin	(114)
Carp, Michigan	(115)
Little Manistee, Michigan	(116)
White, Michigan	(117)
Ontonagon, Michigan	(118)
Paint, Michigan	(119)
Presque Isle, Michigan	(120)
Sturgeon, Ottawa National Forest, Michigan	(121)
Sturgeon, Hiawatha National Forest, Michigan	(122)
Tahquamenon, Michigan	(123)
Whitefish, Michigan	(124)
Clarion, Pennsylvania	(125)
Mill Creek, Jefferson and Clarion Counties, Pennsylvania	(126)

Piru Creek, California	(127)
Little Sur River, California	(128)
Matilija Creek, California	(129)
Lopez Creek, California	(130)
Sespe Creek, California	(131)
North Fork Merced, California	(132)
Delaware River, Pennsylvania and New Jersey	(133)
New River, West Virginia and Virginia	(134)
Rio Grande, New Mexico	(135)

TITLE VI—PROTECTION OF NORTH ST. VRAIN CREEK, COLORADO

SEC. 601. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.

The Act of January 26, 1915, establishing Rocky Mountain National Park (38 Stat. 798; 16 U.S.C. 191 and following), is amended by adding the following new section at the end thereof:

“SEC. 5. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.

“Neither the Secretary of the Interior nor any other Federal agency or officer may approve or issue any permit for, or provide any assistance for, the construction of any new dam, reservoir, or impoundment on any segment of North St. Vrain Creek or its tributaries within the boundaries of Rocky Mountain National Park or on the main stem of North St. Vrain Creek downstream to the point at which the creek crosses the elevation 6,550 feet above mean sea level. Nothing in this section shall be construed to prevent the issuance of any permit for the construction of a new water gaging station on North St. Vrain Creek at the point of its confluence with Coulson Gulch.”

SEC. 602. ENCOURAGEMENT OF EXCHANGES.

(a) LANDS INSIDE ROCKY MOUNTAIN NATIONAL PARK.—Promptly following enactment of this Act, the Secretary of the Interior shall seek to acquire by donation or exchange those lands within the boundaries of Rocky Mountain National Park owned by the city of Longmont, Colorado, that are referred to in section 111(d) of the Act commonly referred to as the “Colorado Wilderness Act of 1980” (Public Law 96–560; 94 Stat. 3272; 16 U.S.C. 192b–9(d)).

(b) OTHER LANDS.—The Secretary of Agriculture shall immediately and actively pursue negotiations with the city of Longmont, Colorado, concerning the city’s proposed exchange of lands owned by the city and located in and near Coulson Gulch for other lands owned by the United States. The Secretary shall report to Congress 2 calendar years after the date of enactment of this Act, and every 2 years thereafter on the progress of such negotiations until negotiations are complete.

PURPOSE OF THE BILL

The purpose of H.R. 2292 is to protect outstanding resources along the following river segments: the Hanford Reach Section of the Columbia River in Washington; the Lamprey River in New Hampshire; the Missouri River in South Dakota; the Gauley, Bluestone and New Rivers in West Virginia and North St. Vrain Creek in Colorado. The bill also makes technical amendments to the Wild and Scenic Rivers Act.

BACKGROUND AND NEED FOR LEGISLATION

The Hanford Reach provides the only remaining native spawning beds for salmon on the main stem of the Columbia River. Therefore, substantial public concern was expressed about a decade ago when the Corps of Engineers began studying the possibility of altering the river channel to permit upriver barge traffic.

In 1988, Congress passed Public Law 100–605 to address these public concerns. That law had two basic elements: (1) a requirement for the Secretary of the Interior to develop a comprehensive river conservation study, including an examination as to whether

the reach should be designated under the Wild and Scenic Rivers Act; and (2) an eight-year prohibition on damming and navigational improvements to the river channel. The Secretary has never transmitted the required study to Congress.

Public Law 102-214 directed the Secretary of the Interior to conduct a study of the Lamprey River in New Hampshire. The National Park Service (NPS), which conducted the study, found that 23.5 miles of the 24.4 river miles studied was eligible for inclusion under the Wild and Scenic Rivers Act, based on free-flowing character and presence of outstanding natural resources. However, the 12-mile segment of the river within the town of Epping does not currently have broad-based public support. Therefore, the legislation only recommends designation of 11.5 miles of the river.

The river segment to be designated traverses mostly private lands. In recognition of that fact, the bill provides for local management of the river. During the study, the Lamprey River Advisory Committee developed a management plan which is adopted under this bill. The local zoning ordinances developed by towns along the river are the basis for the plan. The bill further limits Federal intervention by prohibiting condemnation by the Federal Government.

Public Law 102-50 provided for the designation of a 39-mile segment of the Missouri River in Missouri and Nebraska under the Wild and Scenic Rivers Act to be administered by the Secretary of the Interior. Under Section 6 of the Wild and Scenic Rivers Act, the Secretary is authorized to acquire (by condemnation, if necessary) up to 100 acres of land per river mile, or a 1/4 mile area on either side of the river. The Wild and Scenic Rivers Act does contain two limitations on the use of condemnation: (1) the Secretary may not acquire land by condemnation if more than 50 percent of the land within the river corridor is Federally owned; and (2) the Secretary may not acquire land by condemnation within any incorporated borough where the borough has adopted zoning limitations acceptable to the Secretary.

Most of the lands along this section of the Missouri River are privately owned, and therefore, the condemnation power of the Secretary is unlimited at this time. The management plan adopted by the NPS for this river specifies that the NPS will not use condemnation, but the local persons do not trust the Federal Government.

The New River Gorge National Recreation Area was established as a unit of the National Park System in 1978 to preserve the historic and natural features along this 52-mile section of one of the oldest rivers in the country. In 1988, nearby sections of the Gauley and Bluestone Rivers were designated as separate units of the park system under unified management.

This legislation would expand the boundaries of the New River, Bluestone and the Gauley Rivers by adding approximately 12,250 acres to the existing areas. Some of these lands are uneconomic remnants left over from previous acquisitions. However, there is also one large tract of over 8000 acres which would also be added.

This legislation also includes provisions which would: (1) permit the State to continue stocking fish in waters of the park; (2) authorize the Secretary of the Interior and the State to enter into co-

operative agreements for maintenance of roads within the park; (3) facilitate State management of wildlife in the Bluestone National Recreation Area; (4) modify the boundary of the Gauley River contingent on future power project requirements; and (5) improve access to the Gauley River for noncommercial recreation users. None of the provisions are highly controversial.

The North St. Vrain Creek is located 20 miles northwest of Boulder, Colorado. It is the primary stream flowing from the southeastern portion of Rocky Mountain National Park. After leaving the boundary of the park, the stream cuts a deep narrow canyon until it reaches the Ralph Price Reservoir in the Roosevelt National Forest. The watershed area includes wildlife habitat and popular hiking, fishing and hunting terrain open to the public.

Increasing water needs of growing Colorado urban areas, especially the metropolitan area of Denver, has led to concerns that the area might be exposed to water development projects that could have adverse effects on its natural and recreational values. In response to these concerns, a citizens advisory committee was formed to see if it would be possible to develop a consensus proposal on how to protect these values with minimal impact on non-Federal property and water rights. The Committee understands that this advisory group spent over five years developing such a proposal, the essential elements of which are reflected in this legislation. The Committee also notes that the advisory committee made a number of additional recommendations for administrative actions by the NPS and U.S. Forest Service and anticipates that these recommendations will be given appropriate consideration by those agencies.

The City of Longmont currently stores water in the Ralph Price reservoir along the North St. Vrain Creek. To expand water storage capability, the City wishes to acquire Forest Service lands surrounding the existing reservoir. The trade would most likely involve the Forest Service receiving important riparian areas near Coulson Gulch and the City of Longmont receiving land around its reservoir for expansion. The Committee understands that this land exchange will not affect the continued operations of the Ralph Price Reservoir.

COMMITTEE ACTION

H.R. 2292 was introduced on September 8, 1995, by Congressman Richard Doc Hastings (R-WA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Forests and Lands. On April 16, 1996, the Subcommittee held a hearing on H.R. 2292. On June 13, 1996, the Subcommittee met to mark up H.R. 2292. Chairman James V. Hansen (R-UT) offered an amendment in the nature of a substitute which included the texts of H.R. 2255, H.R. 1825, H.R. 639, H.R. 640 and a series of technical amendments to the Wild and Scenic Rivers Act. The amendment passed by voice vote, and the bill was then ordered favorably reported to the Full Committee by voice vote. On June 26, 1996, the Full Resources Committee met to consider H.R. 2292. An en bloc technical amendment was offered by Congressman Nick J. Rahall II (D-WV) and adopted by unanimous consent. Congressman Wayne Allard (R-CO) offered an

amendment to add the text of H.R. 621, relating to the North St. Vrain Creek. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

TITLE I—HANFORD REACH PRESERVATION ACT

Title I amends Public Law 101–605, concerning the Hanford Reach section of the Columbia River. That 1988 law provided protection of the Hanford Reach from damming and dredging for a period of eight years. With that prohibition scheduled to expire November 5, 1996, the Committee believes that it is appropriate to extend the prohibitions on dredging and damming in perpetuity, while other decisions on management of this stretch of river and the surrounding area are pending.

TITLE II—LAMPREY WILD AND SCENIC RIVER ACT

Title II amends the Wild and Scenic Rivers Act to provide for the designation of the 11.5 mile section of the Lamprey River in New Hampshire as a recreational river. The designated segment of the river would be administered by the Secretary of the Interior through cooperative agreements with towns along the river segment, and in accord with the Lamprey River Management Plan.

Section 202(a) provides that the Secretary of the Interior shall coordinate with the Lamprey River Advisory Commission in conducting his management responsibilities. Section 202(b) provides that existing zone ordinances of towns along the designated segment are adequate to meet the purposes of the Wild and Scenic Rivers Act, and limits the authority of the Secretary of the Interior to acquire land from willing sellers only.

Section 203 authorizes the Secretary of the Interior to provide technical assistance to the town of Epping along the 12 mile segment of river which the Secretary has determined is eligible for designation, but which is not designated under this title.

TITLE III—WEST VIRGINIA NATIONAL RIVERS AMENDMENTS OF 1996

Title III addresses several issues associated with the wild and scenic rivers in the State of West Virginia.

Section 301 provides for amendments to legislation affecting the New River Gorge National River. Subsection (a) provides for a modification of the boundaries of the park. Subsection (b) authorizes the Secretary of the Interior to enter into agreements with the State to maintain and improve existing public rights of way within the park, as are necessary for public access. Subsection (c) authorizes the Secretary to acquire uneconomic remnants of lands which are located outside the boundary of the park.

Section 302 pertains to the Gauley River National Recreation Area. Subsection (a) clarifies that a potential boundary adjustment provided for in existing law shall become void if the water development project associated with the adjustment is not constructed. Subsection (b) provides for improved access for non-commercial users of the Gauley River. Access to the river for non-commercial users is virtually non-existent, as most of the land along the river

is owned by commercial outfitters. The Woods Ferry site offers a good take out site and is served by an existing public access.

Section 303 pertains to the Bluestone National Scenic River. Subsection (a) amends the boundary to include about 40 acres of private inholdings. Subsection (b) authorizes the Secretary to acquire up to 10 acres outside the boundary to improve access to the Bluestone River.

TITLE IV—LIMITATION ON LAND ACQUISITION: MISSOURI RIVER, NEBRASKA

Title IV prohibits the Secretary of the Interior from using condemnation to acquire any land along the 39-mile segment of the Missouri River in South Dakota which has been designated under the Wild and Scenic Rivers Act. The land along this river is substantially privately-owned, and private property owners do not support use of condemnation authority.

TITLE V—TECHNICAL AMENDMENTS TO THE WILD AND SCENIC RIVERS ACT

Title V of the bill is a technical amendment to the Wild and Scenic Rivers Act which simply updates the enumeration of the paragraphs under sections 3 and 5 of the Act pertaining to both studies and designations of rivers.

TITLE VI—PROTECTION OF THE NORTH ST. VRAIN CREEK, COLORADO

Title VI addresses several issues associated with North St. Vrain Creek in Colorado.

Section 601 would amend the 1915 Act establishing the Rocky Mountain National Park by adding a new section that would prohibit any Federal agency from approving, permitting, or assisting in the construction of any new dam, reservoir, or impoundment on any segment of North St. Vrain Creek or its tributaries within the boundaries of the park or on approximately ten miles of the main stem of the creek downstream to the point at which the creek drops below the elevation of 6550 feet above sea level. The new section would also include a specific disclaimer assuring that it would not prevent issuance of a permit for a new water-gauging station at the confluence of North St. Vrain Creek and Coulson Gulch.

Section 602 addresses the possible acquisition by the United States of certain lands owned by the City of Longmont, Colorado. Subsection (a) would require the Secretary of the Interior to promptly seek to acquire by donation or exchange about 125 city-owned acres within the Rocky Mountain National Park boundary. The Committee understands that in 1979, the City considered building a dam on the acreage it owned along the North St. Vrain, and notes that while these plans were subsequently abandoned, such an acquisition and inclusion of the lands in the national park would preclude the revival of such plans. Subsection (b) would direct the Secretary of Agriculture to actively pursue negotiations toward a land exchange through which the United States would acquire other lands the City of Longmont owns in Coulson Gulch, along a tributary of the North St. Vrain Creek, and the City of

Longmont would acquire land surrounding the Ralph Price Reservoir.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 2292 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 2292. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2292 does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2292.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2292 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 25, 1996.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2292, a bill to preserve and protect the Hanford Reach

of the Columbia River, and for other purposes, as ordered reported by the House Committee on Resources on June 26, 1996. We estimate that the bill could increase discretionary spending by the federal government, but that any such increase would total less than \$100,000, assuming appropriation of the necessary amount. Enacting H.R. 2292 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply to the bill.

Bill purpose

H.R. 2292 would make permanent the current interim protection of a stretch of the Columbia River in the state of Washington. It also would designate an 11.5-mile segment of the Lamprey River in New Hampshire as a National Recreational River to be managed by the National Park Service (NPS).

Other provisions of the bill would expand the boundaries of the portions of three rivers in West Virginia that are designated as part of the national park system, limit federal authority to acquire land by a portion of the Missouri River, make several technical amendments to the Wild and Scenic Rivers Act, and provide for the protection of the North St. Vrain Creek in Colorado.

Federal budgetary impact

CBO estimates that enacting H.R. 2292 would not significantly affect spending by the Federal Government. Based on information from NPS, CBO estimates that managing the additional segment of the Lamprey River in New Hampshire would cost less than \$100,000 a year, assuming appropriation of the necessary amount.

Impact on State, local, and tribal governments

H.R. 2292 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). The New Hampshire and West Virginia State governments and the local governments along some of river segments affected by the bill would probably incur some costs under cooperative agreements with the Department of the Interior, but such costs would be incurred voluntarily. These costs, which are unlikely to be significant, would be for such activities as enforcing zoning ordinances, in-kind contributions for parks, technical assistance, and maintaining public rights-of-way.

Impact on the private sector

This bill would impose no new private-sector mandates as defined in Public Law 104-4.

If you wish further details on this estimate, we will be pleased to provide them. The staff contacts are Victoria V. Heid (for Federal costs) and Theresa Gullo (for the State and local government impact).

Sincerely,

JUNE E. O'NEILL, *Director*.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2292 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 2 OF THE ACT OF NOVEMBER 4, 1988

AN ACT To authorize a study of the Hanford Reach of the Columbia River, and for other purposes.

SEC. 2. [INTERIM] PROTECTION.

(a) **[For a period of eight years after]** *After* the enactment of this Act, within the study area identified in section 1 of this Act:

(1) * * *

* * * * *

(b) **[During the eight year interim protection period, provided by this section, all]** *All* existing projects that affect the study area shall be operated and maintained to minimize any direct and adverse effects on the values for which the river is under study, taking into account any existing and relevant license, permit, or agreement affecting the project.

WILD AND SCENIC RIVERS ACT

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) * * *

* * * * *

(65) **BLUESTONE, WEST VIRGINIA.**—The segment in Mercer and Summers Counties, West Virginia, from a point approximately two miles upstream of the Summers and Mercer County line down to the maximum summer pool elevation (one thousand four hundred and ten feet above mean sea level) of Bluestone Lake as depicted on the boundary map entitled “Bluestone Wild and Scenic River”, numbered **[WSR-BLU/20,000, and dated January 1987]** *BLUE-80,005, dated May 1996*; to be administered by the Secretary of the Interior as a scenic river. In carrying out the requirements of subsection (b) of this section, the Secretary shall consult with State and local governments and the interested public. The Secretary shall not be required to establish detailed boundaries of the river as provided under subsection (b) of this section. Nothing in this Act shall preclude the improvement of any existing road or right-of-way within the boundaries of the segment designated under this paragraph. Jurisdiction over all lands and improvements on such lands owned by the United States within the boundaries of the segment designated under this paragraph is hereby transferred without reimbursement to the administrative jurisdiction of the Secretary of the Interior, subject to leases in effect on the date of enactment of this paragraph (or renewed thereafter) between the United States

and the State of West Virginia with respect to the Bluestone State Park and the Bluestone Public Hunting and Fishing Area. Nothing in this Act shall affect the management by the State of hunting and fishing within the segment designated under this paragraph. Nothing in this Act shall affect or impair the management by the State of West Virginia of other wildlife activities in the Bluestone Public Hunting and Fishing Area to the extent permitted in the lease agreement as in effect on the enactment of this paragraph, and such management may be continued pursuant to renewal of such lease agreement. If requested to do so by the State of West Virginia, the Secretary may terminate such leases and assume administrative authority over the areas concerned. Nothing in the designation of the segment referred to in this paragraph shall affect or impair the management of the Bluestone project or the authority of any department, agency, or instrumentality of the United States to carry out the project purposes of that project as of the date of enactment of this paragraph. Nothing in this Act shall be construed to affect the continuation of studies relating to such project which were commenced before the enactment of this paragraph. *In order to provide reasonable public access and vehicle parking for public use and enjoyment of the river designated by this paragraph, consistent with the preservation and enhancement of the natural and scenic values of such river, the Secretary may, with the consent of the owner thereof, negotiate a memorandum of understanding or cooperative agreement, or acquire not more than 10 acres of lands or interests in such lands, or both, as may be necessary to allow public access to the Bluestone River and to provide, outside the boundary of the scenic river, parking and related facilities in the vicinity of the area known as Eads Mill.*

* * * * *

[()] (109) EAST FORK OF JEMEZ, NEW MEXICO.—The 11-mile segment from the Santa Fe National Forest boundary to its confluence with the Rio San Antonio; to be administered by the Secretary of Agriculture in the following classifications:

(A) * * *

* * * * *

[()] (110) PECOS RIVER, NEW MEXICO.—The 20.5-mile segment from its headwaters to the townsite of Tererro; to be administered by the Secretary of Agriculture in the following classifications:

(A) * * *

* * * * *

[()] (111) SMITH RIVER, CALIFORNIA.—The segment from the confluence of the Middle Fork Smith River and the North Fork Smith River to the Six Rivers National Forest boundary, including the following segments of the mainstem and certain tributaries, to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (112) MIDDLE FORK SMITH RIVER, CALIFORNIA.—The segment from the headwaters to its confluence with the North Fork Smith River, including the following segments of the mainstem and

certain tributaries, to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (113) NORTH FORK SMITH RIVER, CALIFORNIA.—The segment from the California-Oregon State line to its confluence with the Middle Fork Smith River, including the following segments of the mainstem and certain tributaries, to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (114) SISKIYOU FORK SMITH RIVER, CALIFORNIA.—The segment from its headwaters to its confluence with the Middle Fork Smith River, and the following tributaries, to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (115) SOUTH FORK SMITH RIVER, CALIFORNIA.—The segment from its headwaters to its confluence with the main stem of the Smith River, and the following tributaries, to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (116) CLARKS FORK, WYOMING.—(A) The twenty and five-tenths-mile segment from the west boundary of section 3, township 56 north, range 106 west at the Crandall Creek Bridge downstream to the north boundary of section 13, township 56 north, range 104 west at Clarks Fork Canyon; to be administered by the Secretary of Agriculture as a wild river. Notwithstanding subsection (b), the boundary of the segment shall include all land within four hundred and forty yards from the ordinary high water mark on both sides of the river. No land or interest in land may be acquired with respect to the segment without the consent of the owner thereof. For the purposes of carrying out this paragraph, there is authorized to be appropriated \$500,000 for development and \$750,000 for the acquisition of land and interests therein.

* * * * *

[()] (117) NIOBRARA, NEBRASKA.—(A) The 40-mile segment from Borman Bridge southeast of Valentine downstream to its confluence with Chimney Creek and the 30-mile segment from the river's confluence with Rock Creek downstream to the State Highway 137 bridge, both segments to be classified as scenic and administered by the Secretary of the Interior. That portion of the 40-mile segment designated by this subparagraph located within the Fort Niobrara National Wildlife Refuge shall continue to be managed by the Secretary through the Director of the United States Fish and Wildlife Service.

[()] (118) MISSOURI RIVER, NEBRASKA AND SOUTH DAKOTA.—The 39-mile segment from the headwaters of Lewis and Clark Lake to the Ft. Randall Dam, to be administered by the Secretary of the Interior as a recreational river. *Notwithstanding section 6(a), lands*

and interests in lands may not be acquired for the purposes of this paragraph without the consent of the owner thereof.

[()] (119) BEAR CREEK, MICHIGAN.—The 6.5-mile segment from Coates Highway to the Manistee River, to be administered by the Secretary of Agriculture as a scenic river.

[()] (120) BLACK, MICHIGAN.—The 14-mile segment from the Ottawa National Forest boundary to Lake Superior, to be administered by the Secretary of Agriculture as a scenic river.

[()] (121) CARP, MICHIGAN.—The 27.8-mile segment from the west section line of section 30, township 43 north, range 5 west, to Lake Huron, to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (122) INDIAN, MICHIGAN.—The 51-mile segment from Hovey Lake to Indian Lake to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (123) MANISTEE, MICHIGAN.—The 26-mile segment from the Michigan DNR boat ramp below Tippy Dam to the Michigan State Highway 55 bridge, to be administered by the Secretary of Agriculture as a recreational river.

[()] (124) ONTONAGON, MICHIGAN.—Segments of certain tributaries, totaling 157.4 miles, to be administered by the Secretary of Agriculture as follows:

(A) * * *

* * * * *

[()] (125) PAINT, MICHIGAN.—Segments of the mainstream and certain tributaries, totaling 51 miles, to be administered by the Secretary of Agriculture as follows:

(A) * * *

* * * * *

[()] (126) PINE, MICHIGAN.—The 25-mile segment from Lincoln Bridge to the east 1/16th line of section 16, township 21 north, range 13 west, to be administered by the Secretary of Agriculture as a scenic river.

[()] (127) PRESQUE ISLE, MICHIGAN.—Segments of the mainstream and certain tributaries, totaling 57 miles, to be administered by the Secretary of Agriculture as follows:

(A) * * *

* * * * *

[()] (128) STURGEON, HIAWATHA NATIONAL FOREST, MICHIGAN.—The 43.9-mile segment from the north line of section 26, township 43 north, range 19 west, to Lake Michigan, to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (129) STURGEON, OTTAWA NATIONAL FOREST, MICHIGAN.—The 25-mile segment from its entry into the Ottawa National Forest to the northern boundary of the Ottawa National Forest, to be

administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (130) EAST BRANCH OF THE TAHQUAMENON, MICHIGAN.—The 13.2-mile segment from its origin in section 8, township 45 north, range 5 west, to the Hiawatha National Forest boundary, to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (131) WHITEFISH, MICHIGAN.—Segments of the main-stream and certain tributaries, totaling 33.6 miles, to be administered by the Secretary of Agriculture as follows:

(A) * * *

* * * * *

[()] (132) YELLOW DOG, MICHIGAN.—The 4-mile segment from its origin at the outlet of Bulldog Lake Dam to the boundary of the Ottawa National Forest, to be administered by the Secretary of Agriculture as a wild river.

[()] (133) ALLEGHENY, PENNSYLVANIA.—The segment from Kinzua Dam downstream approximately 7 miles to the United States Route 6 Bridge, and the segment from Buckaloons Recreation Area at Irvine, Pennsylvania, downstream approximately 47 miles to the southern end of Alcorn Island at Oil City, to be administered by the Secretary of Agriculture as a recreational river through a cooperative agreement with the Commonwealth of Pennsylvania and the counties of Warren, Forest, and Venango, as provided under section 10(e) of this Act; and the segment from the sewage treatment plant at Franklin downstream approximately 31 miles to the refinery at Emlenton, Pennsylvania, to be administered by the Secretary of Agriculture as a recreational river through a cooperative agreement with the Commonwealth of Pennsylvania and Venango County, as provided under section 10(e) of this Act.

[()] (134) BIG PINEY CREEK, ARKANSAS.—The 45.2-mile segment from its origin in section 27, township 13 north, range 23 west, to the Ozark National Forest boundary, to be administered by the Secretary of Agriculture as a scenic river.

[()] (135) BUFFALO RIVER, ARKANSAS.—The 15.8-mile segment from its origin in section 22, township 14 north, range 24 west, to the Ozark National Forest boundary, to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (136) COSSATOT RIVER, ARKANSAS.—Segments of the main stem and certain tributaries, totaling 20.1 miles, to be administered as follows:

(A) * * *

* * * * *

[()] (137) HURRICANE CREEK, ARKANSAS.—The 15.5-mile segment from its origin in section 1, township 13 north, range 21 west, to its confluence with Big Piney Creek, to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (138) LITTLE MISSOURI RIVER, ARKANSAS.—Segments totaling 15.7 miles, to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (139) MULBERRY RIVER, ARKANSAS.—The 56.0-mile segment from its origin in section 32, township 13 north, range 23 west, to the Ozark National Forest boundary, to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (140) NORTH SYLAMORE CREEK, ARKANSAS.—The 14.5-mile segment from the Clifty Canyon Botanical Area boundary to its confluence with the White River, to be administered by the Secretary of Agriculture as a scenic river.

[()] (141) RICHLAND CREEK, ARKANSAS.—The 16.5-mile segment from its origin in section 35, township 13 north, range 20 west, to the northern boundary of section 32, township 14 north, range 18 west, to be administered by the Secretary of Agriculture in the following classes:

(A) * * *

* * * * *

[()] (142) SESPE CREEK, CALIFORNIA.—The 4-mile segment of the main stem of the creek from its confluence with Rock Creek and Howard Creek downstream to its confluence with Trout Creek, to be administered by the Secretary of Agriculture as a scenic river; and the 27.5-mile segment of the main stem of the creek extending from its confluence with Trout Creek downstream to where it leaves section 26, township 5 north, range 20 west, to be administered by the Secretary of Agriculture as a wild river.

[()] (143) SISQUOC RIVER, CALIFORNIA.—The 33-mile segment of the main stem of the river extending from its origin downstream to the Los Padres Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

[()] (144) BIG SUR RIVER, CALIFORNIA.—The main stems of the South Fork and North Fork of the Big Sur River from their headwaters to their confluence and the main stem of the river from the confluence of the South and North Forks downstream to the boundary of the Ventana Wilderness in Los Padres National Forest, for a total distance of approximately 19.5 miles, to be administered by the Secretary of Agriculture as a wild river.

[()] (145) GREAT EGG HARBOR, NEW JERSEY.—39.5 miles of the main stem to be administered by the Secretary of the Interior in the following classifications:

(A) * * *

* * * * *

[()] (146) THE MAURICE RIVER, MIDDLE SEGMENT.—From Route 670 Bridge at Mauricetown to 3.6 miles upstream (at drainage ditch just upstream of Fralinger Farm), approximately 3.8 miles to be administered by the Secretary of the Interior as a scenic river.

[()] (147) THE MAURICE RIVER, MIDDLE SEGMENT.—From the drainage ditch just upstream of Fralinger Farm to one-half mile upstream from the United States Geological Survey Station at Burcham Farm, approximately 3.1 miles, to be administered by the Secretary of the Interior as a recreational river.

[()] (148) THE MAURICE RIVER, UPPER SEGMENT.—From one-half mile upstream from the United States Geological Survey Station at Burcham Farm to the south side of the Millville sewage treatment plant, approximately 3.6 miles, to be administered by the Secretary of the Interior as a scenic river.

[()] (149) THE MENANTICO CREEK, LOWER SEGMENT.—From its confluence with the Maurice River to the Route 55 Bridge, approximately 1.4 miles, to be administered by the Secretary of the Interior as a recreational river.

[()] (150) THE MENANTICO CREEK, UPPER SEGMENT.—From the Route 55 Bridge to the base of the impoundment at Menantico Lake, approximately 6.5 miles, to be administered by the Secretary of the Interior as a scenic river.

[()] (151) MANUMUSKIN RIVER, LOWER SEGMENT.—From its confluence with the Maurice River to a point 2.0 miles upstream, to be administered by the Secretary of the Interior as a recreational river.

[()] (152) MANUMUSKIN RIVER, UPPER SEGMENT.—From a point 2.0 miles upstream from its confluence with the Maurice River to its headwaters near Route 557, approximately 12.3 miles, to be administered by the Secretary of the Interior as a scenic river.

[()] (153) MUSKEE CREEK, NEW JERSEY.—From its confluence with the Maurice River to the Pennsylvania Seashore Line Railroad Bridge, approximately 2.7 miles, to be administered by the Secretary of the Interior as a scenic river.

[()] (154)(A) RED RIVER, KENTUCKY.—The 19.4-mile segment of the Red River extending from the Highway 746 Bridge to the School House Branch, to be administered by the Secretary of Agriculture in the following classes:

* * * * *

[()] (155) RIO GRANDE, NEW MEXICO.—The main stem from the southern boundary of the segment of the Rio Grande designated pursuant to paragraph (4), downstream approximately 12 miles to the west section line of Section 15, Township 23 North, Range 10 East, to be administered by the Secretary of the Interior as a scenic river.

[()] (156) FARMINGTON RIVER, CONNECTICUT.—The 14-mile segment of the West Branch and mainstem extending from immediately below the Goodwin Dam and Hydroelectric Project in Hartland, Connecticut, to the downstream end of the New Hartford-

Canton, Connecticut, town line (hereinafter in this paragraph referred to as the “segment”), as a recreational river, to be administered by the Secretary of the Interior through cooperative agreements between the Secretary of the Interior and the State of Connecticut and its relevant political subdivisions, namely the Towns of Colebrook, Hartland, Barkhamsted, New Hartford, and Canton and the Hartford Metropolitan District Commission, pursuant to section 10(e) of this Act. The segment shall be managed in accordance with the Upper Farmington River Management Plan, dated April 29, 1993, and such amendments thereto as the Secretary of the Interior determines are consistent with this Act. Such plan shall be deemed to satisfy the requirement for a comprehensive management plan pursuant to section 3(d) of this Act.

(157) *LAMPREY RIVER, NEW HAMPSHIRE.*—*The 11.5-mile segment extending from the southern Lee town line to the confluence with the Piscassic River in the vicinity of the Durham-Newmarket town line (hereinafter in this paragraph referred to as the “segment”) as a recreational river. The segment shall be administered by the Secretary of the Interior through cooperative agreements between the Secretary and the State of New Hampshire and its relevant political subdivisions, namely the towns of Durham, Lee, and Newmarket, pursuant to section 10(e) of this Act. The segment shall be managed in accordance with the Lamprey River Management Plan dated January 10, 1995, and such amendments thereto as the Secretary of the Interior determines are consistent with this Act. Such plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of this Act.*

* * * * *

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) * * *

* * * * *

[(106)] (108) ST. MARYS RIVER, FLORIDA AND GEORGIA.—The segment from its headwaters to its confluence with the Bells River.

[()] (109) MILLS RIVER, NORTH CAROLINA.—The North Fork from the bottom of the spillway of the Hendersonville Reservoir downstream to its confluence with the South Fork; the South Fork from its confluence with the Pigeon Branch downstream to its confluence with the North Fork; and the main stem from the confluence of the North and South Forks downstream to a point 750 feet upstream from the centerline of North Carolina Highway 191/280.

[()] (110) SUDBURY, ASSABET, AND CONCORD, MASSACHUSETTS.—The segment of the Sudbury from the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet, the Assabet from 1,000 feet downstream of the Damon Mill Dam in Concord to its confluence with the Sudbury and the Concord from the confluence of the Sudbury and Assabet downstream to the Route 3 Bridge in the town of Billerica. The study of such river segments shall be completed and the report submitted thereon not later than at the end of the third fiscal year beginning after the date of enactment of this paragraph.

[()] (111) NIOBRARA, NEBRASKA.—The 6-mile segment of the river from its confluence with Chimney Creek to its confluence with Rock Creek.

[()] (112) LAMPREY, NEW HAMPSHIRE.—The segment from the southern Lee town line downstream to the confluence with Woodman's Brook at the base of Sullivan Falls in Durham.

[(112)] (113) WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—The headwaters of the river in Pennsylvania to its confluence with the Christina River in Delaware, including the East, West, and Middle Branches, Middle Run, Pike Creek, Mill Creek, and other main branches and tributaries as determined by the Secretary of the Interior (herein after referred to as the White Clay Creek).

[()] (114) BRULE, MICHIGAN AND WISCONSIN.—The 33-mile segment from Brule Lake in the northeast quarter of section 15, township 41 north, range 13 east, to the National Forest boundary at the southeast quarter of section 31, township 41 north, range 17 east.

[()] (115) CARP, MICHIGAN.—The 7.6-mile segment from its origin at the confluence of the outlets of Frenchman Lake and Carp Lake in section 26, township 44 north, range 6 west, to the west section line of section 30, township 43 north, range 5 west.

[()] (116) LITTLE MANISTEE, MICHIGAN.—The 42-mile segment within the Huron-Manistee National Forest.

[()] (117) WHITE, MICHIGAN.—The 75.4-mile segment within the Huron-Manistee National Forest as follows:

(A) * * *

* * * * *

[()] (118) ONTONAGON, MICHIGAN.—The 32-mile segment of the Ontonagon as follows:

(A) * * *

* * * * *

[()] (119) PAINT, MICHIGAN.—The 70-mile segment as follows:

(A) * * *

* * * * *

[()] (120) PRESQUE ISLE, MICHIGAN.—The 13-mile segment of the mainstream from Minnewawa Falls to Lake Superior.

[()] (121) STURGEON, OTTAWA NATIONAL FOREST, MICHIGAN.—The 36-mile segment of the mainstream from the source at Wagner Lake in section 13, township 49 north, range 31 west, to the eastern boundary of the Ottawa National Forest in section 12, township 48 north, range 35 west.

[()] (122) STURGEON, HIAWATHA NATIONAL FOREST, MICHIGAN.—The 18.1-mile segment from Sixteen Mile Lake to the north line of section 26, township 43 north, range 19 west.

[()] (123) TAHQUAMENON, MICHIGAN.—The 103.5-mile segment as follows—

(A) * * *

* * * * *

[()] (124) WHITEFISH, MICHIGAN.—The 26-mile segment of the West Branch Whitefish from its source in section 26, township 46 north, range 23 west, to County Road 444.

[()] (125) CLARION, PENNSYLVANIA.—The segment of the main stem of the river from Ridgway to its confluence with the Allegheny River. The Secretary of Agriculture shall conduct the study of such segment.

[()] (126) MILL CREEK, JEFFERSON AND CLARION COUNTIES, PENNSYLVANIA.—The segment of the main stem of the creek from its headwaters near Gumbert Hill in Jefferson County, downstream to the confluence with the Clarion River.

[()] (127) PIRU CREEK, CALIFORNIA.—The segment of the main stem of the creek from its source downstream to the maximum pool of Pyramid Lake and the segment of the main stem of the creek beginning 300 feet below the dam at Pyramid Lake downstream to the maximum pool at Lake Piru, for a total distance of approximately 49 miles.

[()] (128) LITTLE SUR RIVER, CALIFORNIA.—The segment of the main stem of the river from its headwaters downstream to the Pacific Ocean, a distance of approximately 23 miles. The Secretary of Agriculture shall consult with the Big Sur Multiagency Advisory Council during the study of the river.

[()] (129) MATILJA CREEK, CALIFORNIA.—The segment from its headwaters to its junction with Murietta Canyon, a distance of approximately 16 miles.

[()] (130) LOPEZ CREEK, CALIFORNIA.—The segments from its headwaters to Lopez Reservoir, a distance of approximately 11 miles.

[()] (131) SESPE CREEK, CALIFORNIA.—The segment from Chorro Grande Canyon downstream to its confluence with Rock Creek and Howard Creek, a distance of about 10.5 miles.

[()] (132) NORTH FORK MERCED, CALIFORNIA.—The segment from its headwaters to its confluence with the Merced River, by the Secretary of Agriculture and the Secretary of the Interior.

[()] (133) DELAWARE RIVER, PENNSYLVANIA AND NEW JERSEY.—(A) The approximately 3.6-mile segment from the Erie Lackawanna Railroad Bridge to the southern tip of Dildine Island.

[()] (134) NEW RIVER, WEST VIRGINIA AND VIRGINIA.—The segment defined by public lands commencing at the U.S. Route 460 bridge over the New River in Virginia to the maximum summer pool elevation (one thousand four hundred and ten feet above mean sea level) of Bluestone Lake in West Virginia; by the Secretary of the Interior. Nothing in this Act shall affect or impair the management of the Bluestone project or the authority of any department, agency or instrumentality of the United States to carry out the project purposes of that project as of the date of enactment of this paragraph. The study of the river segment identified in this paragraph shall be completed and reported on within one year after the date of enactment of this paragraph.

[()] (135) RIO GRANDE, NEW MEXICO.—The segment from the west section line of Section 15, Township 23 North, Range 10 East, downstream approximately 8 miles to the southern line of the northwest quarter of Section 34, Township 23 North, Range 9 East.

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NATIONAL PARKS AND RECREATION ACT OF 1978

* * * * *

TITLE XI—NEW RIVER GORGE NATIONAL RIVER

SEC. 1101. For the purpose of conserving and interpreting outstanding natural, scenic, and historic values and objects in and around the New River Gorge and preserving as a free-flowing stream an important segment of the New River in West Virginia for the benefit and enjoyment of present and future generations, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall establish and administer the New River Gorge National River. The Secretary shall administer, protect, and develop the national river in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented; except that any other statutory authority available to the Secretary for the preservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this title. The boundaries of the national river shall be as generally depicted on the drawing entitled “Proposed New River Gorge National River” numbered [NERI-80,023, dated January 1987] *NERI-80,028A, dated March 1996*, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

* * * * *

SEC. 1106. The Secretary may permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the New River Gorge National River in accordance with applicable Federal and State laws, and he may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities. *The Secretary shall permit the State of West Virginia to undertake fish stocking activities carried out by the State, in consultation with the Secretary, on waters within the boundaries of the national river. Nothing in this Act shall be construed as affecting the jurisdiction of the State of West Virginia with respect to fish and wildlife.*

* * * * *

SEC. 1117. APPLICABLE PROVISIONS OF OTHER LAW.

(a) *COOPERATIVE AGREEMENTS.*—The provisions of section 202(e)(1) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww-1(e)(1)) shall apply to the New River Gorge National River in the same manner and to the same extent as such provisions apply to the Gauley River National Recreation Area.

(b) *REMNANT LANDS.*—The provisions of the second sentence of section 203(a) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww-2(a)) shall apply to tracts of land partially within the boundaries of the New River Gorge National River in the same manner and to the same extent as such

provisions apply to tracts of land only partially within the Gauley River National Recreation Area.

* * * * *

WEST VIRGINIA NATIONAL INTEREST RIVER CONSERVATION ACT OF 1987

* * * * *

TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

* * * * *

SEC. 202. ADMINISTRATION.

(a) * * *

* * * * *

(e) RECREATIONAL ACCESS.—

(1) * * *

* * * * *

(4) *ACCESS TO RIVER.*—(A) *In order to facilitate public safety, use, and enjoyment of the recreation area, and to protect, to the maximum extent feasible, the scenic and natural resources of the area, the Secretary is authorized and directed to acquire such lands or interests in lands and to take such actions as are necessary to provide access by noncommercial entities on the north side of the Gauley River at the area known as Woods Ferry utilizing existing roads and rights-of-way. Such actions by the Secretary shall include the construction of parking and related facilities in the vicinity of Woods Ferry for noncommercial use on lands acquired pursuant to paragraph (3) or on lands acquired with the consent of the owner thereof within the boundaries of the recreation area.*

(B) *If necessary, in the discretion of the Secretary, in order to minimize environmental impacts, including visual impacts, within portions of the recreation area immediately adjacent to the river, the Secretary may, by contract or otherwise, provide transportation services for noncommercial visitors, at reasonable cost, between such parking facilities and the river.*

(C) *Nothing in subparagraph (A) shall affect the rights of any person to continue to utilize, pursuant to a lease in effect on April 1, 1993, any right of way acquired pursuant to such lease which authorizes such person to use an existing road referred to in subparagraph (A). Except as provided under paragraph (2) relating to access immediately downstream of the Summersville project, until there is compliance with this paragraph the Secretary is prohibited from acquiring or developing any other river access points within the recreation area.*

* * * * *

SEC. 205. SPECIAL CONDITIONS.

(a) * * *

* * * * *

(c) NEW PROJECT PERMITS.—The terms and conditions referred to in this section shall be included in any license, permit, or exemption issued for any such new project. Any such new project shall be subject to all provisions of this Act, including section 202(d), except that during the four-year period after the enactment of this Act, nothing in this Act shall prohibit the licensing of a project adjacent to Summersville Dam as proposed by the city of Summersville, or by any competing project applicant with a permit or license application on file as of August 8, 1988, if such project complies with this section. If such project is licensed within such four-year period, the Secretary shall modify the boundary map referred to in section 201 to relocate the upstream boundary of the recreation area along a line perpendicular to the river crossing the point five hundred and fifty feet downstream of the existing valve house and one thousand two hundred feet (measured along the river bank) upstream of United States Geological Survey Gauge Numbered 03189600, except in making the modification the Secretary shall maintain within the boundary of the recreation area those lands identified in the boundary map referred to in section 201 which are not necessary to the operation of such project. *If project construction is not commenced within the time required in such license, or if such license is surrendered at any time, such boundary modification shall cease to have any force and effect.*

* * * * *

ACT OF JANUARY 26, 1915

CHAP. 19.—AN ACT To establish the Rocky Mountain National Park in the State of Colorado, and for other purposes.

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SEC. 5. NORTH ST. VRAIN CREEK AND ADJACENT LANDS.

Neither the Secretary of the Interior nor any other Federal agency or officer may approve or issue any permit for, or provide any assistance for, the construction of any new dam, reservoir, or impoundment on any segment of North St. Vrain Creek or its tributaries within the boundaries of Rocky Mountain National Park or on the main stem of North St. Vrain Creek downstream to the point at which the creek crosses the elevation 6,550 feet above mean sea level. Nothing in this section shall be construed to prevent the issuance of any permit for the construction of a new water gaging station on North St. Vrain Creek at the point of its confluence with Coulson Gulch.

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